

## **REMARKS**

Claims 22 and 24-28 have been cancelled. Claims 1, 29, and 30 have been amended to clarify the subject matter regarded as the invention. New Claim 31 has been added. Claims 1-21, 23, and 29-31 are pending.

The Examiner has rejected Claims 1-21 and 23 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 1 has been amended in a manner believed to overcome the Examiner's rejection of that Claim. Claims 2-21 and 23 depend from Claim 1 and the Examiner's rejection of those claims is believed to have been overcome accordingly.

The Examiner has rejected Claims 1-21, 23, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over the article "Business-to-Business online auctions: key issues for purchasing process improvement" (hereinafter referred to as "B-to-B"). The Examiner has also rejected Claims 1-21, 23, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over B-to-B in view of the article "Stamp Center." Those rejections are respectfully traversed.

As amended, Claim 1 recites "determining with a computer whether fewer than a predetermined number of desirable carriers are available to operate in a lot area comprising the origination area and the destination area" and "storing the lot if it is determined that at least the predetermined number of desirable carriers are available to operate in the lot area." Support for the amendment may be found, without limitation, on page 17 of the Specification.

As the Examiner has noted, B-to-B discusses lotting on page 179:

"The team communicates with suppliers throughout the blueprint review process to ensure that parts were lotted correctly. Low volume lots or incorrectly lotted parts may be put aside and bid off-line at a later date. The team will also train the supplier in the software used to manage the online auction event, auction rules, tactics to avoid, etc. As bid day approaches, suppliers work to finalize part and lot pricing, and determine the price at which they will cease bidding."

B-to-B does not teach the technique of "determining with a computer whether fewer than a predetermined number of desirable carriers are available to operate in a lot area comprising the

origination area and the destination area” and then “storing the lot if it is determined that at least the predetermined number of desirable carriers are available to operate in the lot area.” In contrast to the process of Claim 1, B-to-B appears to suggest that supplier input is needed to identify undesirable lots (“low volume lots or incorrectly lotted parts” that “may be put aside”) and does not provide guidance on how such lots are to be identified by those suppliers.

Regarding lotting, Stamp Center states only that “Minimum Lot Value is about \$50.00 (Realized Value) for Single Items and about \$100.00 for Collections/Bulk Type Lots” and that “material will be researched, cataloged, described and logically presented to maximize results. Some items will be lotted individually and others grouped depending on type of material, value and condition. Indicate any special lotting requirements on your inventory list.” Specifying a minimum price for a lot is not the same as a technique of evaluating a potential lot by “determining with a computer whether fewer than a predetermined number of desirable carriers are available to operate in a lot area comprising the origination area and the destination area” and then “storing the lot if it is determined that at least the predetermined number of desirable carriers are available to operate in the lot area.”

As neither B-to-B, nor Stamp Center, whether considered singly or in combination, disclose the aforementioned limitations, Claim 1 is therefore believed to be allowable. Claims 2-21, 23, and 31 depend from Claim 1 and are believed to be allowable for the same reasons described above.

As with Claim 1, independent Claims 29 and 30 also recite determining “whether fewer than a predetermined number of desirable carriers are available to operate in a lot area comprising the origination area and the destination area” and storing “the lot if it is determined that at least the predetermined number of desirable carriers are available to operate in the lot area” and are therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



Robyn Wagner  
Registration No. 50,575  
V 408-973-2596  
F 408-973-2595

Dated: April 17, 2009

VAN PELT, YI & JAMES LLP  
10050 N. Foothill Blvd., Suite 200  
Cupertino, CA 95014